



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 07-02

Date: January 23, 2007

Application No. 2006-02270

Expiration: February 22, 2007

Please address all comments to:
Ms. Deborah T. Tuck
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Recessed Boatwell and Retaining Wall at South Fork Holston River Mile 25.8, Right Bank, Boone Lake, Sullivan County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)**. The proposed retaining wall meets the criteria of Nationwide Permit #13 Bank Stabilization. The state of Tennessee, Department of Environment and Conservation (TDEC), Division of Water Pollution Control, has certified this activity by issuance of a General Permit for Bank Stabilization pursuant to Section 401(a)(1) of the CWA that applicable water quality standards will not be violated. The applicant has also been advised to contact TDEC directly for other approvals that may be required. The Tennessee Valley Authority (TVA) would require approval under Section 26a of the TVA Act.

APPLICANT: **Don Smith**
750 Oakgrove Road
Johnson City, Tennessee 37615

LOCATION: South Fork Holston River Mile 25.8, Right Bank, Boone Lake, Sullivan County, Tennessee; Bluff City, TN
USGS Quadrangle lat N36-28-24; lon W82-21-23;

DESCRIPTION: The applicant proposes to excavate ~ 375 cubic yards (cy) of lakebed material from an area measuring 40' in width by 50' in length to construct a recessed boatwell for moorage of his two boats. The applicant also proposes to construct a concrete retaining wall five feet in height around the inside of the excavated boatwell for stabilization. This would consist of 8" of rock backfill

and 8" of concrete (~35 cy material). All excavated material would be removed to an upland location. The work would be conducted during winter drawdown in the dry.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments may be used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of

significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

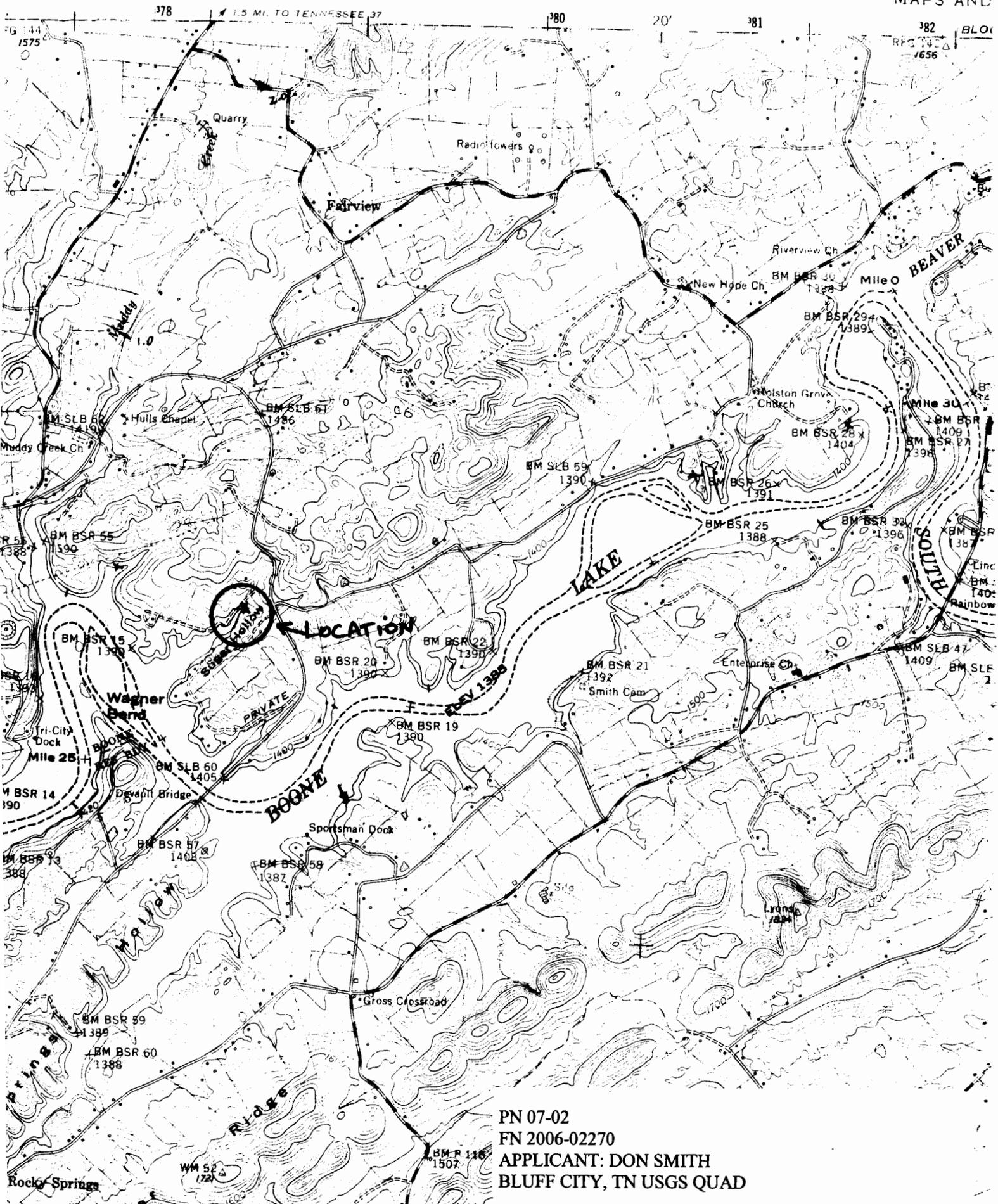
Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may also be required for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

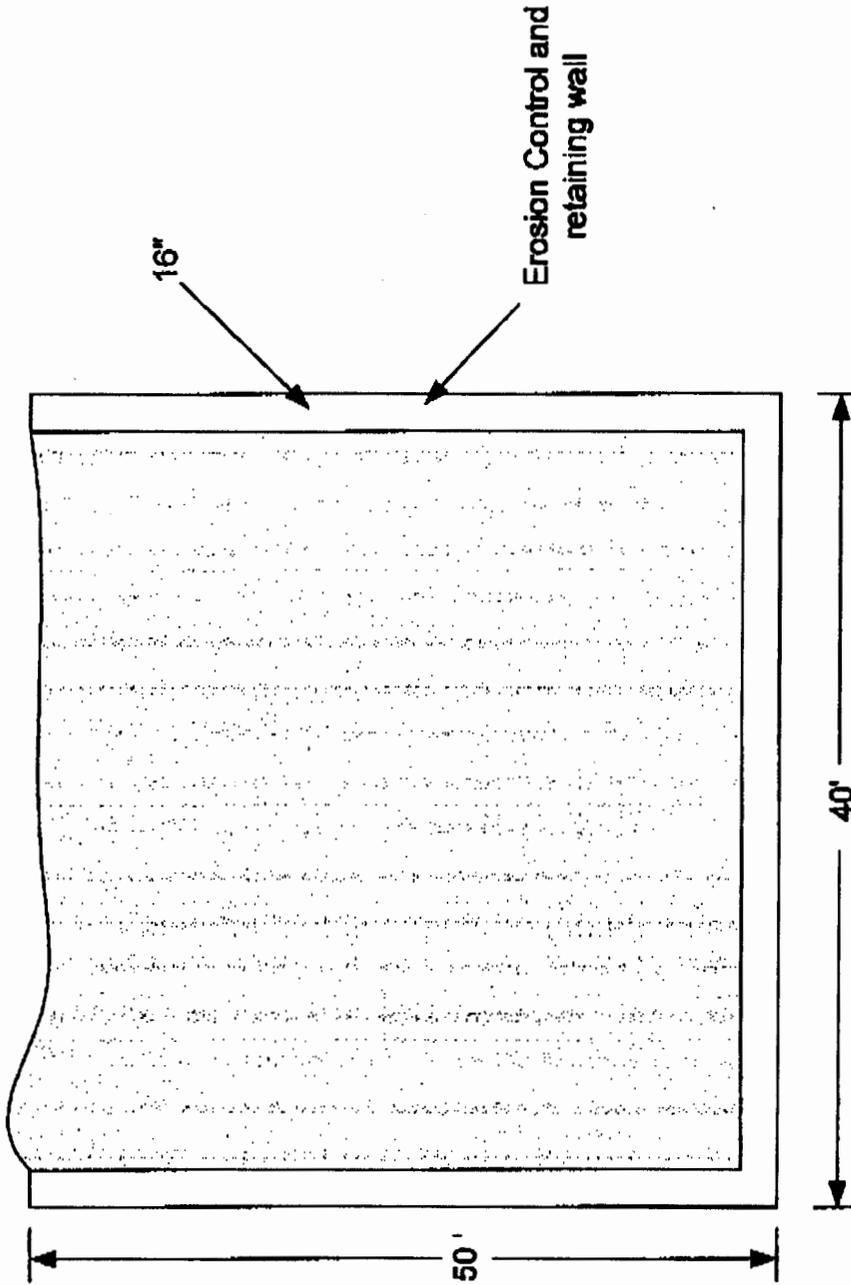
Written statements received in this office on or before the expiration date will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Ms. Deborah T. Tuck, at the above address, telephone (615) 369-7518. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to the Holston-Cherokee-Douglas Watershed Team, 106 Tri-Cities Business Park Drive, WTR 1A-GRT, Gray, Tennessee 37615. Please send your comments relative to the §401 Water Quality Certification to Mr. Dan Eagar, Tennessee Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street Nashville, Tennessee 37243-1534, telephone (615) 532-0625.

Detailed plans of the proposed work are available upon request. If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm> or contact Ms. Tuck.



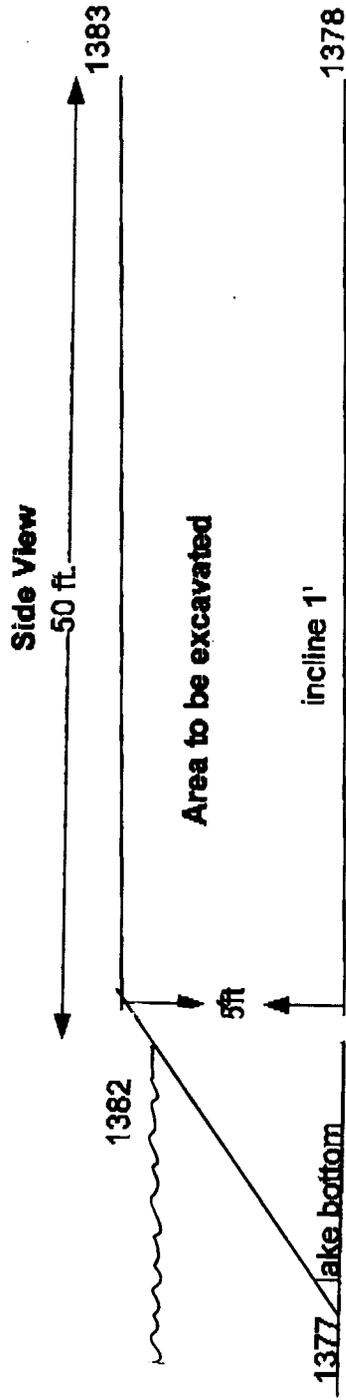
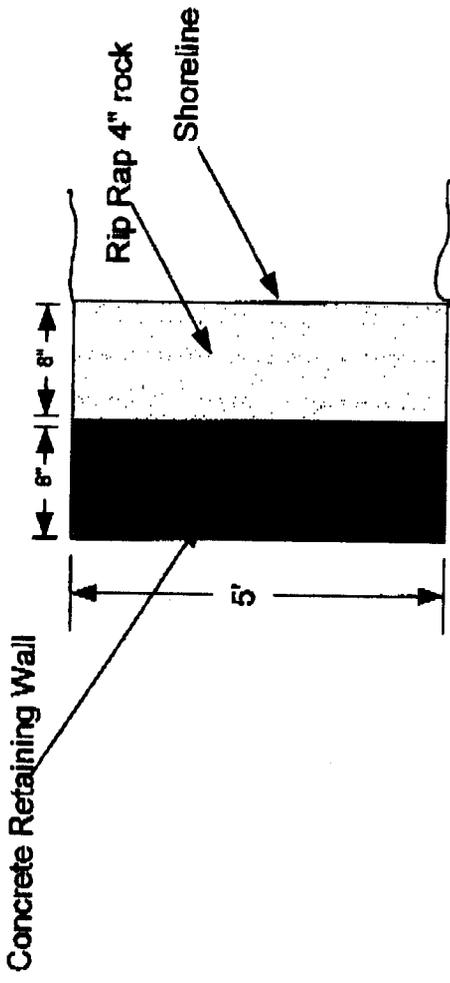
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BLUFF CITY, TN USGS QUAD

Top View
Area to be dredged



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Erosion Control



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